

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

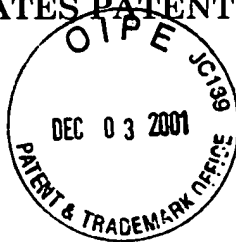
In re application of

AIZAWA, MASUO, et al.

Reissue Appln. No.: 09/800,670

Confirmation No.: 4840

Filed: March 8, 2001



Group Art Unit: 1641

Examiner: Not yet assigned

RECEIVED

DEC 05 2001

OFFICE OF PETITIONS

For: LUMINESCENCE BY REACTING AN ACRIDINIUM ESTER WITH
SUPEROXIDE

**DECLARATION OF FACTS REGARDING UNAVAILABILITY OF
INVENTOR AND INVENTOR'S LEGAL REPRESENTATIVE (OR HEIR)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Kenichi MORITA, hereby declare and state that:

I am employed by the offices of Morita and Associates;

Morita and Associates is the Japanese representative, concerning the above-identified application, for the company Iatron Laboratories, Inc., the assignee for the above-identified application;

I have direct, firsthand knowledge of the following activities, which were performed by me or under my direct supervision, in the attempt to present a copy of the application papers related to Reissue Appln. No. 09/800,670 (Reissue of U.S. Patent 5,879,888) for execution by the legal representative (or heir) of Dr. Yoshihito Ikariyama:

DECLARATION OF FACTS

Page 2

On March 16, 2001 the Reissue Declaration together with related papers for Reissue Appln. No. 09/800,670 (Reissue of U.S. Patent 5,879,888) were forwarded to Iatron Laboratories, Inc. for review and execution;

On March 19, 2001, a telephone call from Mr. Masaharu Akimoto, Manager, Planning Department, Research and Development Division, of Iatron Laboratories, Inc., was received to inform that Dr. Yoshihito Ikariyama had passed away in the Autumn of 2000;

During March and April of 2001, I was in contact with the law firm of SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC regarding the issues raised in view of the deceased inventor;

On April 16, 2001, a new Declaration was forwarded to Iatron Laboratories, Inc. for execution by the Inventors and the deceased Inventor's legal representative (or heir);

On April 25, 2001, a facsimile letter from Ms. Aki Inaba, a staff member of Iatron Laboratories, Inc., was received inquiring as to procedures to take if the signature of the legal representative (or heir) for Dr. Yoshihito Ikariyama is not available;

During May and June of 2001, I was in contact with the Law Firm of SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC regarding the issues raised by the unavailability of the legal representative (or heir) of the deceased inventor;

DECLARATION OF FACTS

Page 3

On June 22, 2001, the Reissue Declaration, together with related papers, were mailed to the last known address of the widow of Dr. Yoshihito Ikariyama by registered mail;

On June 25, 2001, the mailing of June 22, 2001 was returned from the post office as undeliverable mail (enclosed is the returned undeliverable mail notice from the post office);

On June 25, 2001, Iatron Laboratories, Inc. was asked to provide further information, such as a new address, for contacting the widow of Dr. Yoshihito Ikariyama;

On July 2, 2001, Iatron Laboratories, Inc. suggested that we contact Dr. Masuo Aizawa, a professor of the Tokyo Institute of Technology, the last university for which Dr. Yoshihito Ikariyama worked;

On July 6, 2001, a letter was sent to Dr. Masuo Aizawa, Tokyo Institute of Technology, to inquire as to the new address of the surviving family of Dr. Yoshihito Ikariyama; and

On July 13, 2001, a reply was received from Dr. Masuo Aizawa, Tokyo Institute of Technology, stating that he did not know of any new address of the surviving family of Dr. Yoshihito Ikariyama (enclosed is signed and sealed reply from Dr. Masuo Aizawa).

DECLARATION OF FACTS

Page 4

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 6, 2001 Kenichi Morita
Kenichi MORITA

RECEIVED

DEC 05 2001

OFFICE OF PETITIONS